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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 17th August, 1978:—

BILL No. 95 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

- | | |
|---|-----------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1978. | Short title. |
| 2. For article 40 of the Constitution the following article shall be substituted namely:— | Substitution of article 40. |

"40. The State shall take steps to secure decentralisation of powers, financial as well as administrative, and, to this end, seek to devise, within the constitutional framework, a suitable multi-tier system of administration comprising the Union, the State, the District, the block, the village and the town or city levels and endow the various units of local government such as the district boards, block councils, village panchayats and corporations or municipalities with responsibility for planning for development and all the requisite administrative powers so as to have full control and authority over the police, the judiciary and governmental authorities such as the electricity, education, irrigation and other administrative departments within their respective jurisdictions; and make provision for such resources for them as would enable them to function as viable units of local self-government."

State to secure decentralisation of powers.

Amend-
ment of
Seventh
Schedule.

3. In the Seventh Schedule to the Constitution,—

(a) in List II—State List, entry 5 shall be omitted; and

(b) in List III—Concurrent List, after entry 19, the following entry shall be inserted, namely:—

“19A. Decentralization of financial and administrative powers at various levels, *viz.*, at the State, district, block, village and town or city levels their constitution, respective jurisdictions and powers, administrative and financial, including the power to impose levies and taxes.”

STATEMENT OF OBJECTS AND REASONS

India is a vast country. Indian society, is highly pluralistic. The modes and needs of her people vary from region to region and locality to locality. The wide diversities of various sorts, however, themselves lend resilience and strength to Indian unity. 'Unity in Diversity' is not a mere cliché. In India it is a tradition, coming down from the hoary past.

Structural and functional decentralization of the administrative and financial system within the framework of the Constitution, has become a categorical imperative today. Needs of national integration and unity themselves demand increasing decentralization at various levels. Also, there certainly is no contradiction between decentralization and desirability of a strong Centre. Only strong parts make a strong body. Decentralization of authority and functions at various levels going down to the grass-roots would actually strengthen the Union.

Excessive centralization has been the root cause of many of our maladies like concentration of power in the bureaucracy, nepotism and corruption, in the administration, and executive myopia as respects local needs and problems and weakening of the will for action at the State and local levels, together resulting in perpetuation of regional imbalances in the country. Even a vexing issue like the language problem, which essentially is an economic question and a matter of distribution of coveted Government jobs, it is hoped, would stand resolved with financial and administrative decentralization leading to large job opportunities at the local and regional levels of administration.

Under the present arrangements too, there is such dependence for resources upon the Centre on the part of the States and, even more, upon the State on the part of the local units of self-government. The result is that the local units particularly are not in a position to take meaningful initiatives for tackling their specific local problems and special developmental needs. The solution to our problem lies in the creation of a number of tiers, with each tier more or less self-sufficient in terms of its resources and with adequate powers over the administrative machinery in its area.

The Bill seeks to stress this objective by making a provision in this behalf by substitution of an amplified provision in place of the existing article 40 of the Constitution.

Transfer of the present entry 5 in the State List with modification to the Concurrent List in the Seventh Schedule to the Constitution has been proposed to enable the Centre to step in if the States fail to take appropriate action.

TEJ PRATAP SINGH.

NEW DELHI;
The 12th May, 1978.

BILL NO. 122 OF 1978

A Bill to amend the Indian Medicine Central Council Act, 1970.

BE it enacted by Parliament in the Twenty-ninth year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 2.

2. In section 2 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), in sub-section (1), after clause (e), the following clause shall be inserted, namely:—

48 of 1970.

‘(ee) “Integrated medicine” means conjoint study, training and practice in Indian medicine and modern scientific medicine in all its branches including surgery and obstetrics.’

Amend-
ment of
section 3.

3. In section 3 of the principal Act, in clause (a) of sub-section (1), after the word “persons”, the words “possessing a recognised medical qualification and” shall be inserted.

4. In section 14 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 14.

“(3) Only such medical qualifications which are granted after not less than four years’ regular institutional training including clinical training in attached hospital shall be included in the Second Schedule.”.

5. In section 17 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 17.

“(5) Nothing contained in any law for the time being in force shall affect the rights of the practitioners qualified in Integrated medicine including the right of practising modern scientific medicine in all its branches including surgery and obstetrics in any part of India.”.

6. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Amend-
ment of
Second
Schedule.

“THE SECOND SCHEDULE

(See section 14)

Part I: Qualifications in Integrated medicine.

Part II: Qualifications other than the qualifications in Integrated medicine.”

STATEMENT OF OBJECTS AND REASONS

There are about fifty thousand practitioners of Integrated medicine in India who have undergone regular institutional course of training for four to six years of statutory Universities or State Boards or Faculties after School Leaving or Intermediate Science Examinations. The course consists of training in Ayurvedic as well as modern systems of medicine.

At present the practitioners are grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970 along with the practitioners with pure Ayurvedic qualifications and others who had no training or had sub-standard training. An assurance was given on the floor of the Lok Sabha by Government on December 10, 1970 that these practitioners will be put in separate parts of the Second Schedule under the rule making power. As it is not permissible to amend the Schedule to the Act under the rule making power, it is felt necessary to amend the Act itself for the purpose.

In the constitution of the Central Council of Indian Medicine a provision has been made that RMPs enrolled in the State Register of Indian Medicine merely on experience basis, though not possessing any recognised medical qualification shall be the voters in the election to the Central Council of Indian Medicine. Since the Council has to lay down and maintain high standards of training and practice of Indian Systems of Medicine it is essential that only such practitioners who possess a recognised medical qualification should be the voters in the election to the CCIM. Hence section 3(1) (a) of the Act needs amendment:

There are no norms prescribed for inclusion of a medical qualification in the Second Schedule as a result of which many sub-standard and fake qualifications have been included in the Second Schedule. The Central Council of Health in 1976 has recommended that only such qualifications which are granted after institutionalised teaching and training of not less than 4 years duration in recognised colleges, should be eligible for the rights and privileges envisaged in the Act and all sub-standard qualifications should be deleted from the Second Schedule. Proposed amendment to section 14 prescribes norms for inclusion of a medical qualification in the Second Schedule.

Hence this Bill.

NEW DELHI;
The 2nd July, 1978.

BAPU KALDATE.

BILL No. 134 OF 1978

A Bill to amend the Constitution (Pondicherry) Scheduled Castes Order, 1964.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Pondicherry) Scheduled Castes Order (Amendment) Act, 1978.

Short
title
and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Constitution (Pondicherry) Scheduled Castes Order, 1964,—

(a) for paragraph 2, substitute—

“2. The castes specified in column 1 of the Schedule to this Order and the synonyms and sub-castes thereof, if any, specified in columns 2 and 3 respectively against each such caste shall, for the purposes of the Constitution be deemed to be Scheduled Castes in relation to the Union territory of Pondicherry so far as regards members thereof resident in that Union territory:

Amend-
ment of
Consti-
tution
(Pondi-
cherry)
Scheduled
Castes,
Order,
1964.

Provided that no person, who professes a religion different from the Hindu or the Sikh religion, shall be deemed to be a member of a Scheduled Caste.”;

(b) after paragraph 2, insert—

“3. Where, in the Constitution (Scheduled Castes) Order, 1950, any caste is specified as a Scheduled Caste in relation to the State of West Bengal, then, every displaced person from East or Pakistan who is a member of that caste shall, if residing in the Union territory of Pondicherry, be deemed to be a Scheduled Caste in relation to that Union territory.

4. For the removal of doubts it is hereby declared that notwithstanding the fact that the derogatory expression Parayan is not mentioned in the Schedule to this order, no person who was regarded as a member of a Scheduled Caste on the strength of the existence of the aforesaid expression in the Schedule to this Order, as in force immediately before the commencement of this Act, shall cease to be a member of the Scheduled Caste in the Union territory of Pondicherry and every such person shall be regarded as a member of that caste (out of the castes specified in the Schedule in relation to such State) to which he, in fact, belongs.”;

(c) for the Schedule, substitute—

“THE SCHEDULE

Caste	Synonym	Sub-caste
1	2	3
PONDICHERRY		
1. Adi Andhra		
2. Adi Dravida		Sambavar Valluvan
3. Chakkilyan		
4. Kulavan		
5. Madiga		Jambuvulu
6. Mala	Mala Most	
7. Pallan		
8. Puttirai Vannan		
9. Samban		
10. Thoti	Paky Moli	
11. Velan		
12. Vettiyan		

STATEMENT OF OBJECTS AND REASONS

In the Constitution (Pondicherry) Scheduled Castes Order, 1964, the following 15 (fifteen) castes have been included:—

1. Adi Andhra
2. Adi Dravida
3. Chakkiliyan
4. Jambuvulu
5. Kuravan
6. Madiga
7. Mala, Mala Masti
8. Paky
9. Pallan
10. Parayan, Sambava
11. Samban
12. Thoti
13. Valluvan
14. Vetan
15. Vettiyan

The caste "Puthirai Vannan" had been omitted from inclusion in the above Order. This caste of "Puthirai Vannan" has been declared as Scheduled Caste in the neighbouring State of Tamil Nadu which has got border limits of 5 to 8 kms. from the Union territory of Pondicherry.

The Government of Pondicherry had proposed an amendment Bill to the Constitution (Pondicherry) Scheduled Castes Order, 1964 in the year 1967 by including the caste of "Puthirai Vannan". Accordingly the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 was introduced in Lok Sabha on the 12th August, 1967 as Bill No. 119 of 1967.

This Bill was referred to the Joint Committee of Houses but finally the Bill was not passed and it lapsed with the dissolution of Fourth Lok Sabha. This Bill was not re-introduced in the subsequent Lok Sabha. Due to the non-passing of the Bill in question, the people belonging to the caste of "Puthirai Vannan" in Pondicherry are affected much. Wives and children of the people of this community who have born in the neighbouring Tamil Nadu area and who are living in Pondicherry with their husbands and parents are eligible to the concession available to the Scheduled Castes whereas those who are natives of Pondicherry are deprived of this concession.

Hence the Bill.

NEW DELHI;
The 5th July, 1978.

PARVATHI KRISHNAN

BILL No. 133 OF 1978

A Bill to amend the Sick Textile Undertakings (Nationalisation) Act, 1974.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Sick Textile Undertakings (Nationalisation) Amendment Act, 1978.

Amend-
ment of
section 21.

2. In section 21 of the Sick Textile Undertakings (Nationalisation) Act, 1974 (hereinafter referred to as the principal Act),—

(i) in clause (a), the following shall be inserted at the end, namely:—

“and in case the amount available is not sufficient to meet the claims in category I, the same shall be paid by the Government.”;

(ii) in clause (b), for the word and figure “category IV”, the word and figures “categories I and IV” shall be substituted.

3. In the Second Schedule to the principal Act,—

Amend-
ment of
Second
Schedule.

(i) Part A shall be re-numbered as Part B thereof and in Part B as so re-numbered, category I and category II shall be re-numbered as category II and category III respectively;

(ii) before Part B as so re-numbered, the following Part shall be inserted, namely:—

“Part A

Arrears of Provident Fund and Wages, etc.

Category I.—

Arrears in relation to provident fund, salaries and wages, and other amounts due to an employee.”;

(iii) the existing Part B shall be re-numbered as Part C, and in Part C as so re-numbered, category III shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 21 of the Sick Textile Undertakings (Nationalisation) Act, 1974 (Act 57 of 1974) provides for disbursement of claims by the Commissioner in accordance with the priorities laid down in the Second Schedule to the Act.

Second Schedule places the claims of the employees arising out of arrears of provident fund, wages, etc. in category III. The result is that the employees' claims can be entertained only after items such as bank loans, tax arrears, etc. are satisfied. In most cases the amount available for disbursement is exhausted in satisfying these claims of categories I and II and the employees' claims are likely to go by default. The employees' claims by way of arrears of provident fund, etc. are not loans but "Trust money" misappropriated by the employers and not realised by the Government in time. It is not just and fair to deprive the employees of their life's saving of provident fund.

The proposed amendment seeks to give priority to the employees' arrears of provident fund over bank loans and Government tax arrears, etc.

In case the amount available is not sufficient to fully meet the employees' claims of arrears of provident fund, the proposed amendment provides for the Government making good the arrears.

PARVATHI KRISHNAN

NEW DELHI;

The 4th July, 1974.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment by the Government of the arrears of provident fund, wages, etc. of the employees of a sick textile undertaking, acquired by the Government under the provisions of the Sick Textile Undertakings (Nationalisation) Act, 1974, in case the amount available for disbursement is not sufficient to meet the claims of such arrears. Though it is not possible to give a precise estimate of the amount that the Government might be required to pay, yet a non-recurring expenditure of about rupees eight crores is likely to be involved on this account from the Consolidated Fund of India.

No recurring expenditure is likely to be incurred.

BILL No. 129 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty ninth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It shall come into force from the date it receives the assent of the President.

Amend-
ment of
article 18.

2. In article 18 of the Constitution, after clause (4), the following clause shall be added, namely:—

“(5) No citizen shall prefix or suffix to his name any surname indicating the caste.”.

STATEMENT OF OBJECTS AND REASONS

India is predominantly an agricultural, religious and caste-ridden country. Even after 30 years of independence from slavery, our citizens are prisoners of caste-system. In the ancient times, caste and 'varna' system was based on profession meaning that one's caste would be determined by one's profession. One who engaged himself in teaching profession would be a Brahmin. Similarly persons engaged in governing and defence duties were known as Kshatriyas, those who were carrying trade were Vaish, those in the service class were considered as Shudras, those who manufactured jewellery were called Goldsmiths, those who made iron goods were called Blacksmiths and so on. But these days, the caste is related not to profession but to birth. Now, one is considered to belong to the caste of one's parents irrespective of profession one is carrying. This caste system has created a feeling of hatred all over the country. Everywhere, whether it is politics, university, government office or courts, persons belonging to one or the other caste are in dominating position.

I am, therefore, of the view that until and unless caste system is eradicated from India, welfare of the country cannot be ensured. Casteism is a bane in India. Human being has no caste other than humanity. It will be a step towards cultural revolution.

Hence this Bill.

SHARAD YADAV

NEW DELHI;
The 17th July, 1978.

BILL No. 126 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It shall come into force from the date it receives assent of the President.

Amend-
ment of
article
75.

2. In article 75 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) The Prime Minister shall hold office for a period not exceeding eleven years or for two terms of Lok Sabha, whichever is less, and a Prime Minister who has held office for such period shall not be eligible for reappointment as Prime Minister for another term.”.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to put an end to personality cult and authoritarianism in the body politic of the country and to ensure that these tendencies do not raise their head in future. This will strengthen democratic process in the internal working of political parties and bring an end to personality cult, authoritarianism and feeling of slavery prevalent in the minds of the people at large. This democratic process is traditionally being followed in U.S.A. and the Republic of Mexico in respect of office of President where Presidential system of Government is functioning.

This important step will go a long way in putting an end to the personality cult and authoritarianism.

NEW DELHI;
The 17th July, 1978.

SHARAD YADAV.

BILL No. 128 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It shall come into force from the date it receives the assent of the President.

Amend-
ment of
article 75.

2. In article 75 of the Constitution after clause (1), the following clause shall be added, namely:—

“(1A) The Prime Minister shall hold office for a period not exceeding six years or till the dissolution of Lok Sabha following his assumption of office of Prime Minister, whichever is less, and a Prime Minister who has held office for five years or more shall not be eligible for re-appointment as Prime Minister for another term.”

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to put an end to personality cult and authoritarianism in the body politic of the country and to ensure that these tendencies do not raise their head in future. This will strengthen democratic process in the internal working of political parties and bring an end to personality cult, authoritarianism and feeling of slavery prevalent in the minds of the people at large. This democratic process is traditionally being followed in U.S.A. and the Republic of Mexico in respect of office of President where Presidential system of Government is functioning.

This important step will go a long way in putting an end to the personality cult and authoritarianism.

NEW DELHI;

The 17th July, 1978.

RASHEED MASOOD.

“(1A) The Prime Minister shall hold office for a period not exceeding twelve years or for two terms of Lok Sabha, whichever is less, and a Prime Minister who has held office for at least ten years shall not be eligible for re-appointment as Prime Minister for another term.”.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to put an end to personality cult and authoritarianism in the body politic of the country and to ensure that these tendencies do not raise their head in future. This will strengthen democratic process in the internal working of political parties and bring an end to personality cult, authoritarianism and feeling of slavery prevalent in the minds of the people at large. This democratic process is traditionally being followed in U.S.A. and the Republic of Mexico in respect of office of President where Presidential system of Government is functioning.

This important step will go a long way in putting an end to the personality cult and authoritarianism.

NEW DELHI;
The 17th July, 1978.

NARMADA PRASAD RAI.

AVTAR SINGH RIKHY,
Secretary.

